UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND (PROVIDENCE)

GEORGE GUINDON, ET AL. Plaintiffs,	§ § § §	
v.	§	Civil Action No. 03-335L
AMERICAN FOAM CORP., ET AL. Defendants.	§ § § § §	Judge: Ronald R. Lagueux

ANSWER OF BRIAN BUTLER, TVL BROADCASTING, INC., AND STC BROADCASTING, INC. TO PLAINTIFFS' NOTICE OF ADOPTION OF FIRST AMENDED MASTER COMPLAINT SUBJECT TO TVL'S AND STC'S PARTIAL MOTION TO DISMISS

TO THE HONORABLE COURT:

It appears that Plaintiffs in the case referenced above (whose Original Complaint was filed in 2003) filed a document mistakenly titled "Pro Forma Complaint Regarding Station Nightclub Fire Litigation," which adopted the First Amended Master Complaint filed in the *Gray* case (C.A. No. 04-312L) in its entirety. Shortly thereafter, Plaintiffs in the case referenced above filed their "Notice Of Adoption Of First Amended Master Complaint," which again adopted the First Amended Master Complaint filed in the *Gray* case (C.A. No. 04-312L) in its entirety, and included additional allegations and claims as set forth in the Notice Of Adoption Of First Amended Master Complaint filed in the *Henault* case (C.A. No. 03-483L). Most recently, Plaintiffs filed "Notice Of Adoption Of First Amended Master Complaint By Plaintiff Michelle Spence," which adopts only the First Amended Master Complaint filed in the *Gray* case (C.A. No. 04-312L) in its entirety.

THEREFORE, BRIAN BUTLER (the 24th listed Defendant in the above-referenced action, hereinafter "BUTLER" or "Defendant"), TVL BROADCASTING, INC. (the 25th listed

217

Defendant in the above-referenced action, hereinafter listed as "TVL" or "Defendant"), and STC BROADCASTING, INC. (the 26th listed Defendant in the above-referenced action, hereinafter listed as "STC" or "Defendant") (collectively, "Defendants") respectfully file this Answer to Plaintiffs' "Pro Forma Complaint Regarding Station Nightclub Fire Litigation," "Notice Of Adoption Of First Amended Master Complaint," and "Notice Of Adoption Of First Amended Master Complaint By Plaintiff Michelle Spence" Subject To TVL's And STC's separately filed Partial Motion to Dismiss, as follows:

Defendants incorporate by reference their previously filed Answer To The First Amended Master Complaint filed in the *Gray* case (C.A. 04-312L) and their separately filed Answer to the Notice Of Adoption Of First Amended Master Complaint filed in the *Henault* case (C.A. No. 03-483L).[1] In addition, Defendants answer Plaintiffs' additional claims as follows:

PARTIES

PLAINTIFFS

(260) The Plaintiff, George Guindon, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Mr. Guindon was injured as a patron of the Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

[1] Without waiving any of their defenses related to service of process, Defendants state that their counsel has received a copy of "Pro Forma Complaint Regarding Station Nightclub Fire Litigation," "Notice Of Adoption Of First Amended Master Complaint," and "Notice Of Adoption Of First Amended Master Complaint By Plaintiff Michelle Spence" in *Guindon, et al. v. American Foam Corp., et al.* case (C.A. 03-335L), which adopt the First Amended Master Complaint filed in *Gray, et al. v. Jeffrey Derderian, et al.* (C.A. 04-312L) and the additional allegations and claims as set forth in *Henault, et al. v. American Foam Corp., et al.* (C.A. No. 03-483L). Defendants themselves have never been properly served with service of process in the *Guindon* case. To the extent Defendants are presently before this Court in the *Guindon* matter, Defendants submit this Answer.

(261) The plaintiff, Barbara Guindon, individually; (a) Erica Guindon, a minor, by and through her mother and next friend, Barbara Guindon; are individuals who at all times relevant hereto lived in Coventry, Rhode Island. Mr. Guindon was an injured patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(262) The plaintiffs, Estate of Tina Marie Ayer, by and through Tammy Ayer, Administratrix; Kayla Marie Dorothy Abbenante Ayer, a minor, by and through her aunt and next friend, Tammy Ayer; are individuals who at all times relevant hereto lived in Bristol, Rhode Island. Ms. Tina Ayer was a patron of The Station nightclub on February 20, 3003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club. Ms. Tammy Ayer's appointment as Administratrix of the plaintiff Estate by the Warwick Probate Court is pending.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(263) The plaintiffs, Estate of Joseph Edward Rossi, by and through Louis Rossi, Administrator; are individuals who at all times relevant hereto lived in Pawtucket, Rhode Island. Mr. Rossi was a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club. Mr. Louis Rossi's appointment as Administrator of the plaintiff Estate by the Pawtucket Probate Court is pending.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(264) The plaintiff, Christopher Scott, is an individual who at all times relevant hereto, lived in West Warwick, Rhode Island. Mr. Scott was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(265) The plaintiff, Julianna Giaven, is an individual who at all times relevant hereto, lived in West Warwick, Rhode Island. Ms. Giaven was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(266) The plaintiff, Stephen J. Bruno, is an individual who at all times relevant hereto, lived in Cranston, Rhode Island. Mr. Bruno was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(267) The plaintiff, Eric Malardo, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Mr. Malardo was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(268) The plaintiff, Michelle Malardo, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Ms. Malardo was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(269) The plaintiff, Richard Sanetti, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Mr. Sanetti was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(270) The plaintiff, Patricia Sanetti, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Ms. Sanetti is the wife of Richard Senetti who was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(271) The plaintiff, Catherine Carignan, is an individual who at ail times relevant hereto, lived in Coventry, Rhode Island. Ms. Carignan was injured as a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use

of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(272) The plaintiffs, Estate of Edward Corbett, III, by and through Edward Corbett, Jr., Administrator, are individuals, and at all times relevant hereto, Edward Corbett, III, lived in West Warwick, Rhode Island, and (a) Edward Corbett, Jr., is a resident of Florida. Mr. Corbett, III was a patron of The Station night-club on February 20, 3003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club. Mr. Corbett's appointment as Administrator of the plaintiff's Estate is pending in a Florida Probate Court.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(273) The plaintiffs, Estate of Lori K. Durante, by and through Paul and Betty Roe, as Co-Administrators, are individuals who at all times relevant hereto lived in North Kingstown, Rhode Island. Ms. Durante was a patron of The Station nightclub an February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club. Mr. and Mrs. Roe's appointment Co-Administrators of the plaintiff Estate by the North Kingstown Probate Court is pending.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(274) The plaintiff, Daniel Davidson, is an individual who at all times relevant hereto, lived in Wyoming, Rhode Island. Mr. Davidson was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the

use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(275) The plaintiff, Jacinto Botelho, is an individual who at all times relevant hereto, lived in Pawtucket, Rhode Island. Mr. Botelho was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(276) The plaintiff, Loree Griffith, is an individual who at all times relevant hereto, lived in Phoenix, Arizona. Ms. Griffith was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(277) The plaintiff, Shane Embelton, is an individual who at all times relevant hereto, lived in Middleboro, Massachusetts. Mr. Embelton was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(278) The plaintiff, Catherine Carignan, is an individual who at all times relevant hereto, lived in Coventry, Rhode Island. Ms. Carignan was injured as a patron of The Station nightclub

on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(279) The plaintiffs, Estate of Lori K. Durante, by and through Paul and Betty Roe, as Co-Administrators, are individuals who at all times relevant hereto lived in North Kingstown, Rhode Island. Ms. Durante was a patron of The Station nightclub on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within fine club. Mr. and Mrs. Roe's appointment Co-Administrators of the plaintiff Estate by the North Kingstown Probate Court is pending.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

(280) The plaintiff, Daniel Davidson, is an individual who at all times relevant hereto, lived in Wyoming, Rhode Island. Mr. Davidson was injured as a patron of The Station night-club on February 20, 2003, when the building caught fire and burned to the ground following the use of pyrotechnics by a band performing within the club.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

Plaintiff Michelle D. Spence is an individual who at all times material hereto lived in the Town of Attleboro, Massachusetts. Plaintiff brings this claim individually, and as mother, next friend and natural guardian of her daughter Hailey Spence, a minor child.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

AFFIRMATIVE DEFENSES

1. The Plaintiffs fail to state a claim upon which relief could be granted against these Defendants.

2. The claim asserted against TVL and STC derived through the conduct of Derderian is barred by the First Amendment to the United States Constitution and Article I, Sections 20 and 21 of the Rhode Island Constitution.

3. STC denies that it is the corporate owner of WPRI-TV, Channel 12, and is, therefore, the wrong corporate defendant. STC was merged into TVL in August 2002 and has no corporate existence.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that the claims against them be dismissed with prejudice and that they recover their costs of suit herein and that they be awarded such further relief at law or in equity as to which they may be entitled.

Respectfully submitted,

Defendants TVL BROADCASTING, INC., STC BROADCASTING, INC. and BRIAN BUTLER,
by their Attorneys,

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CERTIFICATE OF SERVICE

This is to certify that on this 4th day of February, 2005, a true and correct copy of ANSWER OF BRIAN BUTLER, TVL BROADCASTING, INC., AND STC BROADCASTING, INC. TO PLAINTIFFS' NOTICE OF ADOPTION OF FIRST AMENDED MASTER COMPLAINT SUBJECT TO TVL'S AND STC'S PARTIAL MOTION TO DISMISS was served via email in PDF format only, upon:

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